

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

RONNIE JOE STOWERS	§	
	§	
v.	§	2:13-CV-216
	§	
UNITED STATES OF AMERICA	§	

REPORT AND RECOMMENDATION TO DISMISS
MOTION FOR HABEAS CORPUS

On September 12, 2013, defendant, a federal prisoner, filed with this Court a pleading entitled "Motion for Habeas Corpus" attempting to initiate a challenge to his March 31, 2010 conviction, pursuant to a guilty plea, for the offense of kidnaping. This pleading was construed as a motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255. On November 5, 2013, the Court advised defendant the federal courts of the district require defendants seeking 2255 relief to utilize a form motion adopted by the district, provided defendant with such a form motion, and ordered defendant fully complete such form and file the form with this Court within twenty (20) days of the Order.

As of this date, defendant has not submitted the form provided to him or filed any response to the Court's November 5, 2013 Order. Defendant is in direct disregard of this Court's Order. Moreover, defendant has not communicated with the Court, in any manner, with regard to this case since his initial filing on September 12, 2013. It is the opinion of the undersigned defendant has neglected his case to such an extent that it warrants dismissal.

RECOMMENDATION

It is the RECOMMENDATION of the United States Magistrate Judge to the United States District Judge that the “Motion of Habeas Corpus” filed September 12, 2013 by defendant RONNIE JOE STOWERS be DISMISSED for want of prosecution.

INSTRUCTIONS FOR SERVICE

The United States District Clerk is directed to send a copy of this Report and Recommendation to each party by the most efficient means available.

IT IS SO RECOMMENDED.

ENTERED this 26th day of December 2013.


CLINTON E. AVERITTE
UNITED STATES MAGISTRATE JUDGE

*** NOTICE OF RIGHT TO OBJECT ***

Any party may object to these proposed findings, conclusions and recommendation. In the event parties wish to object, they are hereby NOTIFIED that the deadline for filing objections is fourteen (14) days from the date of filing as indicated by the “entered” date directly above the signature line. Service is complete upon mailing, Fed. R. Civ. P. 5(b)(2)(C), or transmission by electronic means, Fed. R. Civ. P. 5(b)(2)(E). **Any objections must be filed on or before the fourteenth (14th) day after this recommendation is filed** as indicated by the “entered” date. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b)(2); *see also* Fed. R. Civ. P. 6(d).

Any such objections shall be made in a written pleading entitled “Objections to the Report and Recommendation.” Objecting parties shall file the written objections with the United States District Clerk and serve a copy of such objections on all other parties. A party’s failure to timely file written objections to the proposed findings, conclusions, and recommendation contained in this report shall bar an aggrieved party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings, legal conclusions, and

recommendation set forth by the Magistrate Judge in this report and accepted by the district court. *See Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc), *superseded by statute on other grounds*, 28 U.S.C. § 636(b)(1), *as recognized in ACS Recovery Servs., Inc. v. Griffin*, 676 F.3d 512, 521 n.5 (5th Cir. 2012); *Rodriguez v. Bowen*, 857 F.2d 275, 276-77 (5th Cir. 1988).